

# Declarations

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF JOSHUA BARKER**

I, Joshua Barker, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from July 2004 to August 2008 at the Dell call center located in Nashville, Tennessee. I was a full-time employee and scheduled to work at least forty (40) hours per week. I regularly worked significant amounts of overtime.
2. My primary job duty while working for Dell was to sell Dell products and services.
3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.
4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation, and I was eligible to receive additional compensation for overtime work. When I worked overtime, Dell did not compensate my overtime work at a rate of time and a half.

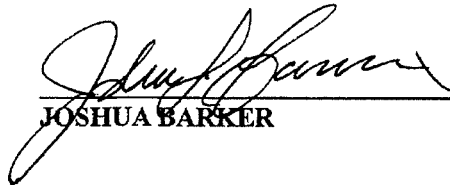
5. It was my understanding that if I missed work and did not have any paid leave time available and if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

6. It was my understanding that I had to work at least forty (40) hours per week to be eligible to receive my purported base salary.

7. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was sometimes unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 21<sup>st</sup> day of October 2008.

  
JOSHUA BARKER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HITUL GANDHI, Individually and on  
behalf of a class of others similarly  
situated,  
Plaintiff,

VS.

DELL INC., and DELL MARKETING  
USA, L.P.,  
Defendants.

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CAUSE NO. A-08-CA-248-JRN  
(Consolidated)

**DECLARATION OF SHANNON BROTHERS**

I, Shannon Brothers, hereby submit this Declaration and states as follows:

1. I worked for Dell as a Sales Representative IB from May 2005 to September 2005 at the Dell call center located in Oklahoma City, Oklahoma. I was a full-time hourly employee and scheduled to work at least forty (40) hours per week. I was regularly scheduled to work significant amounts of overtime.

2. My primary job duty while working for Dell was to sell Dell products and services.

3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.

4. My compensation while I was a Sales Representative consisted of a purported base salary and incentive compensation.

5. It was my understanding that if I missed work and did not have any paid leave time available, or if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of January, 2009.

  
SHANNON BROTHERS



6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed this 28 day of January, 2009.

  
IZETTA MARSHAE CARSON

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CAUSE NO. A-08-CA-248-JRN  
(Consolidated)

www.ck12.org

5. It was my understanding that if I missed work and did not have any paid leave time available, or if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.



6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed this \_\_\_\_ day of January, 2009.

  
CATHERINE L. DAVIS

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF HITUL GANDHI**

I, Hitul Gandhi, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from October 2006 to February 2008 at the Dell call center located in Round Rock, Texas. I was a full-time hourly employee and scheduled to work at least forty (40) hours per week. I was regularly scheduled to work significant amounts of overtime.

2. My primary job duty while working for Dell was to sell Dell products and services.

3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.

4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation.

5. It was my understanding that if I missed work and did not have any paid leave time available, or if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 21<sup>st</sup> day of October 2008.

  
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HITUL GANDHI

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

DECLARATION OF DAVID HALEY

I, David Haley, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from January 2004 to February 2007 at the Dell call center located in Nashville, Tennessee. I was a full-time hourly employee and scheduled to work at least forty (40) hours per week. I was regularly scheduled to work significant amounts of overtime.
2. My primary job duty while working for Dell was to sell Dell products and services.
3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.
4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation.
5. It was my understanding that if I missed work and did not have any paid leave time available, or if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Those tasks included (1) following up with orders and finishing quotes for customers; (2) performing telephone sales calls; (3) booting up my computer; (4) logging on to my computer; (5) opening required computer programs; and (6) completing other tasks. It was necessary to perform these tasks to do my job as a business sales representative.

8. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

9. The work I performed for Dell before my scheduled shift, during my lunch break, and after my scheduled shift had ended was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 20 day of October 2008.

  
DAVID HALEY

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF JAMEY MENDENHALL**

I, Jamey Mendenhall, hereby submit this Declaration and state as follows:

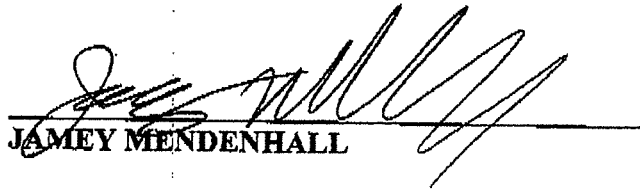
1. I worked for Dell as a telephone-dedicated business sales representative from September 2004 to July 2005 at the Dell call center located in Oklahoma City, Oklahoma. I was a full-time hourly employee and scheduled to work at least forty (40) hours per week. I was regularly scheduled to work significant amounts of overtime.
2. My primary job duty while working for Dell was to sell Dell products and services.
3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.
4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation.
5. It was my understanding that if I missed work and did not have any paid leave time available, or if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 17<sup>th</sup> day of October 2008.

  
JAMEY MENDENHALL

- IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**



6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed this 30 day of January, 2009.

  
TOMMY MOORE

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www.pearsoned.com

CAUSE NO. A-08-CA-248-JRN  
(Consolidated)

www


6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of January, 2009.

  
MICHELLE RICKETTS



6. Dell did not explain to me that I would receive my purported base salary no matter how many hours I worked in a week.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed this 28 day of January, 2009.

  
MYRON H. SCHROUF

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF NICHOLAS STEWART**

I, Nicholas Stewart, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from December 2001 to June 2007 at the Dell call center located in Nashville, Tennessee. I was a full-time employee and scheduled to work at least forty (40) hours per week. I was regularly scheduled to work significant amounts of overtime.

2. My primary job duty while working for Dell was to sell Dell products and services.

3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.

4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation, and I was eligible to receive additional compensation for overtime work. When I worked overtime, Dell did not compensate my overtime work at a rate of time and a half.

5. It was my understanding that if I missed work and did not have any paid leave time available and if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

6. It was my understanding that I had to work at least forty (40) hours per week to be eligible to receive my purported base salary.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Those tasks included (1) booting up my computer; (2) logging on to my computer; (3) opening my required computer programs; and (4) completing other tasks. It was necessary to perform these tasks to do my job as a business sales representative.

8. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

9. The work I performed for Dell before my scheduled shift, during my lunch break, and after my scheduled shift had ended was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 29<sup>th</sup> day of October 2008.

  
NICHOLAS STEWART

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF TRACIE WEBB**

I, Tracie Webb, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from September 2004 to October 2007 at the Dell call center located in Nashville, Tennessee. I was a full-time employee and scheduled to work at least forty (40) hours per week. I was regularly scheduled to work significant amounts of overtime.

2. My primary job duty while working for Dell was to sell Dell products and services.

3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.

4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation, and I was eligible to receive additional compensation for overtime work. When I worked overtime, Dell did not compensate my overtime work at a rate of time and a half.



5. It was my understanding that if I missed work and did not have any paid leave time available and if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

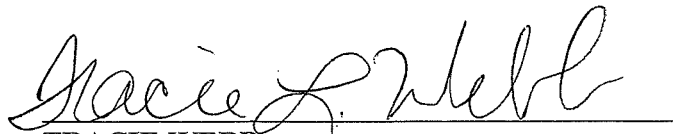
6. It was my understanding that I had to work at least forty (40) hours per week to be eligible to receive my purported base salary.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Those tasks included performing sales-related work from home during my personal time, working on follow up issues and notes from previous telephone calls, and completing other essential tasks. It was necessary to perform these tasks to do my job as a business sales representative.

8. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

9. The work I performed for Dell before my scheduled shift, during my lunch break, and after my scheduled shift had ended was routinely unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 23 day of October 2008.

  
TRACIE WEBB

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF PARVIN GREENE**

I, Parvin Greene, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from June 2006 to August 2008 at the Dell call center located in Nashville, Tennessee. I was a full-time employee and scheduled to work at least forty (40) hours per week. I regularly worked significant amounts of overtime.
2. My primary job duty while working for Dell was to sell Dell products and services.
3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.
4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation, and I was eligible to receive additional compensation for overtime work. When I worked overtime, Dell did not compensate my overtime work at a rate of time and a half.

5. It was my understanding that if I missed work and did not have any paid leave time available and if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

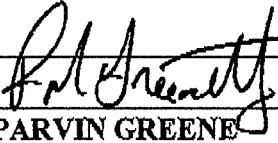
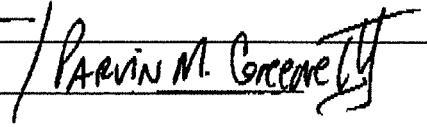
6. It was my understanding that I had to work at least forty (40) hours per week to be eligible to receive my purported base salary.

7. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

8. The work I performed for Dell during my lunch break was often unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 28 day of January 2009.

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 /   
PARVIN GREENE

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HITUL GANDHI, individually and on behalf of a  
class of others similarly situated,

Plaintiffs,

v.

DELL, INC., and  
DELL MARKETING USA, L.P.

Defendants.

Case No. 1:08-CV-00248-SS

**DECLARATION OF DANIEL WOJEICHOWSKI**

I, Daniel Wojciechowski, hereby submit this Declaration and state as follows:

1. I worked for Dell as a telephone-dedicated business sales representative from July 2005 to January 2006 at the Dell call center located in Oklahoma City, Oklahoma. I was a full-time employee and scheduled to work at least forty (40) hours per week. I regularly worked significant amounts of overtime.
2. My primary job duty while working for Dell was to sell Dell products and services.
3. As a Dell employee, I used a timekeeping system called "Kronos" to keep track of my hours worked.
4. My compensation while I was a business sales representative consisted of a purported base salary and incentive compensation, and I was eligible to receive additional compensation for overtime work. When I worked overtime, Dell did not compensate my overtime work at a rate of time and a half.

5. It was my understanding that if I missed work and did not have any paid leave time available and if I worked fewer than forty (40) hours per week, then Dell would deduct from my purported base salary.

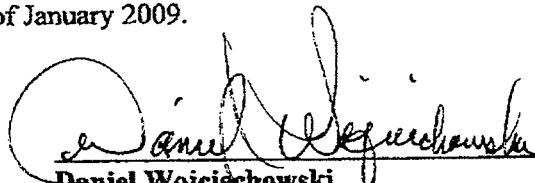
6. It was my understanding that I had to work at least forty (40) hours per week to be eligible to receive my purported base salary.

7. To satisfy Dell's work quotas and satisfactorily perform my job duties, I performed work-related tasks for Dell without compensation. Those tasks included (1) following up with orders and finishing quotes for customers; (2) performing telephone sales calls; (3) booting up my computer; (4) logging on to my computer; (5) opening required computer programs; and (6) completing other tasks. It was necessary to perform these tasks to do my job as a business sales representative.

8. Dell automatically deducted one hour of pay for my lunch break. However, I often worked through all or a portion of my lunch break to accommodate heavy call volume and perform other work-related tasks.

9. The work I performed for Dell during my lunch break was often unpaid.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 28th day of January 2009.

  
Daniel Wojciechowski